



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Philippe ROUANET et al.  
Title: PERCUTANEOUS  
COMPOSITION COMPRISING  
4-HYDROXY TAMOXIFEN  
Appl. No.: 10/734,638  
Filing Date: 12/15/2003  
Examiner: Deirdre Renee Claytor  
Art Unit: 1617  
Confirmation Number: 9056

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months after filing an RCE.

**RELEVANCE OF EACH DOCUMENT**

U.S. 2004/0086552 is the U.S. equivalent of WO 02/03969, which was cited in the International Search Report of the PCT application corresponding to co-pending application US 2005/0032909.

The other listed U.S. patent applications are co-pending applications with the same assignee as the instant application (Laboratoires Besins International SA), except for US 2005/0158388, which is assigned to Laboratoires Besins International SA and Ascend Therapeutics, Inc., US 2005/0032910, which is assigned to Ascend Therapeutics, Inc. and Northwestern University and US 2003/0087885, which is assigned to Besins International Belgique.

The other listed references are of record in one or more of the co-pending applications.

US 2004/0138314 has been allowed although a Request for Continued Examination (RCE) is being prepared to submit an Information Disclosure Statement (IDS). US 2003/0087885, US 2005/0032909, US 2005/0208139, US 2005/0032910, US 2005/0158388, and US 2005/0209340 have been rejected. US 2006/0105041 is awaiting examination.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required, the Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 10, 2008

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